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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,221	03/06/2000	Chaitanya Kanojia	2657.2001005	7967

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EXAMINER

NEURAUTER, GEORGE C

ART UNIT PAPER NUMBER

2143

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/519,221

Applicant(s)

KANOJIA ET AL.

Examiner

George C Neurauter, Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6 November 2003 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 6 November 2003 have been fully considered but they are not persuasive.

In regards to Applicant's arguments that Britt does not disclose wherein the router attempts to transfer messages to the embedded devices on the data network regardless of whether the embedded devices are on the network, Britt does in fact disclose these limitations [column 5, lines 17-33, specifically line 27 regarding "e-mail"; column 5, lines 16-26, specifically lines 22-26 regarding "e-mail"]

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Britt et al. [US Patent 5 940 074 A].

Regarding claim 1, Britt discloses a message router system for a server system that communicates with embedded devices over a data network, the router system comprising: a router coupled to a message store; the router attempting to transfer messages to the embedded devices over the data network regardless of whether the embedded devices are active on the data network; the router waiting for acknowledgements of the messages from the embedded devices; and the router storing unacknowledged messages addressed to corresponding embedded devices in the message store until the embedded devices can accept the unacknowledged messages. [column 5, lines 17-33, specifically line 27 regarding "e-mail"; column 5, lines 16-26, specifically lines 22-26 regarding "e-mail"; column 8, line 13-column 9, line 34]

Regarding claim 2, Britt discloses a message router system as recited in Claim 1, further comprising a system manager that tracks states of embedded devices on the data network and whether the embedded devices are able to receive messages. [column 8, lines 34-42]

Regarding claim 3, Britt discloses a message router system as recited in Claim 2, further comprising a queue manager for facilitating the transfer of messages between the router and a process, such that the queue manager locates and establishes a connection with the router and transfers the messages from the process to the router. [column 8, lines 34-42]

Regarding claim 4, Britt discloses a message router system as recited in Claim 1, wherein the router retrieves one or more of the unacknowledged messages from the message store when the system manager indicates that an embedded device to which the one or more unacknowledged messages are addressed is able to accept the one or more unacknowledged messages. [column 8, lines 34-42]

Regarding claim 5, Britt discloses a message router system as recited in Claim 1, further comprising a bulk data transfer manager for transferring bulk data between the server system and the embedded devices. [column 9, lines 1-28, specifically lines 4-14]

Regarding claim 6, Britt discloses a message router system as recited in Claim 5, wherein the bulk data are transferred to the embedded devices by the router sending the embedded devices a message to download a file and a location of the file, the embedded devices contacting the bulk data transfer manager to obtain the file. [column 8, lines 34-42; column 9, lines 1-28, specifically lines 4-14]

Regarding claim 7, Britt discloses a message router system as recited in Claim 6, wherein the embedded devices directly contact the bulk data transfer manager to obtain the file without sending a message via the router. [column 9, lines 1-28, specifically lines 4-14]

Regarding claim 8, Britt discloses a method for routing messages from a server system to embedded devices over a data network, the method comprising: attempting to transfer messages to the embedded devices over the data network regardless of whether the embedded devices are active on the data network; and storing messages addressed to embedded devices until the embedded devices can accept the messages.

[column 5, lines 17-33, specifically line 27 regarding "e-mail"; column 5, lines 16-26, specifically lines 22-26 regarding "e-mail"; column 8, line 13-column 9, line 34]

Regarding claim 9, Britt discloses a method as recited in Claim 8, further comprising tracking states of embedded devices on the data network and whether the embedded devices are able to receive messages. [column 8, lines 34-42]

Regarding claim 10, Britt discloses a method as recited in Claim 9, further comprising queuing messages that are received from a server system prior to being transferred to the embedded devices. [column 8, lines 34-42]

Regarding claim 11, Britt discloses a method as recited in Claim 8, further comprising detecting whether a previously unavailable embedded device is available to receive messages; and retrieving stored messages for the embedded device and transferring the messages to the embedded device. [column 8, lines 34-42]

Regarding claim 12, Britt discloses a method as recited in Claim 8, further comprising transferring bulk data from the server system to the embedded devices. [column 9, lines 1-28, specifically lines 4-14]

Regarding claim 13, Britt discloses a method as recited in Claim 12, wherein the step of transferring the bulk data comprises: sending the embedded devices a message to download a file and a location of the file; and the embedded devices contacting a bulk data transfer manager to obtain the file. [column 8, lines 34-42; column 9, lines 1-28, specifically lines 4-14]

Regarding claim 14, Britt discloses a method as recited in Claim 13, further comprising the embedded devices directly contacting the bulk data transfer manager to obtain the file. [column 9, lines 1-28, specifically lines 4-14]

Regarding claim 15, Britt discloses the message router system as recited in Claim 1, wherein the messages are control messages directing the embedded devices to download, install, or activate content. [column 8, lines 34-42]

Regarding claim 16, Britt discloses the message router system as recited in Claim 8, wherein the messages are control messages directing the embedded devices to download, install, or activate content. [column 8, lines 34-42]

Regarding claim 17, Britt discloses the message router system as recited in Claim 1, wherein: each of the messages being transferred is associated with a unique identifier; the router determining an address of a corresponding embedded device from the unique identifier associated with a message; the router transferring the message to the address of the corresponding embedded device. [column 6, lines 41-62]

Regarding claim 18, Britt discloses the message router system as recited in Claim 8, wherein: each of the messages being transferred is associated with a unique identifier; the router determining an address of a corresponding embedded device from the unique identifier associated with a message; the router transferring the message to the address of the corresponding embedded device. [column 6, lines 41-62]

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6 317 761 B1 to Landsman et al;

US Patent 6 567 854 B1 to Olshansky et al;

US Patent 6 603 769 B1 to Thubert et al;

Howe, Denis. "Push Media",

<<http://foldoc.doc.ic.ac.uk/foldoc/foldoc.cgi?push+media>>, April 1997.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C Neurauter, Jr. whose telephone number is 703-305-4565. The examiner can normally be reached on Monday-Saturday 5:30am-10pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-7240.

gcn



BUNJOB JAROENCHONWANIT  
PRIMARY EXAMINER